HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G. BHAVANI PRASAD

WRIT APPEAL NO. 328 OF 2006

BETWEEN

S. Nagamani

……Appellant

And

The Special Collector, Land Acquisition, Outer Ring Road Project, HUDA Premises, Tarnaka, Hyderabad.

……**Respondent**

:: JUDGMENT ::

Counsel for the Appellant : Shri M.V.S. Suresh Kumar

Counsel for Respondent : Government Pleader for

Land Acquisition

Dated: 28.03.2006

Per **G.S. SINGHVI, CJ**

This appeal is directed against order dated 31.01.2006 passed by the learned Single Judge whereby he dismissed the writ petition filed by the petitioner for restraining the respondent from acquiring her land.

In the writ petition filed by her, the appellant had expressed apprehension that in the garb of acquiring land, pursuant to notification dated 13.12.2005 issued under Section 4(1) of the Land Acquisition Act, 1894, the respondent would deprive her of the right to property comprised in survey Nos.159, 160 and 161 of Mangalapally village, Ibrahimpatnam mandal, Ranga Reddy district. The learned Single Judge did not feel convinced that the respondent will deprive the petitioner of her property without following the procedure established by law and dismissed the writ petition.

We have heard Shri M.V. S. Suresh Kumar at some length and perused the record. In our opinion, the appellant has failed to make out a case for interference with the order under challenge. She has not produced any material on the record of the writ petition and of this appeal to show that notification dated 13.12.2005 relates to her land or that the respondent or any other functionary of the Government is trying to forcibly dispossess her. Therefore, the conclusion drawn by the learned Single Judge that the apprehension of the writ petitioner (appellant herein) is not well-founded, cannot be disturbed. Consequently, the appeal is dismissed.

While dismissing the appeal, we make it clear that as and when the respondent or any other functionary of the Government makes any tangible attempt to deprive the appellant of her property, she shall be entitled to avail appropriate legal remedy including the one by way of filing fresh petition.

G.S. SINGHVI, CJ

G. BHAVANI PRASAD, J

28.03.2006

ksld